S.B. Civil Second Appeal No.203 of 2006

Seth Bahadur Versus Smt. Ram Dei & Others

Date of Order ::: 09.10.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. Suresh Charan, Counsel for plaintiff-appellant.

By the Court :

Heard learned counsel for the plaintiff-appellant on the application under Section 5 of the Limitation Act for condonation of delay as well as on the admission of the second appeal.

The plaintiff-appellant filed a suit for declaration and permanent injunction in the Lower Court, which was dismissed. The judgment and decree passed by the Lower Court has been affirmed by the First Appellate Court also.

Controversial issues involved in the present case are relating to the question of facts and there is a concurrent finding of fact recorded by both the Courts below in this regard, which can not be

interfered with by this Court in second appeal under Section 100 of the C.P.C.

No substantial question of law is involved in this second appeal. The delay made in filing the second appeal has not been explained properly.

Consequently, the application under Section 5 of the Limitation Act as well as the second appeal itself, both are dismissed.

(Narendra Kumar Jain) J.

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